

**ATTORNEYS FOR CREDITORS
THOMAS MONTGOMERY and
LYNDIA COTTON**

IN RE:

Debtor

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Plaintiffs,

Adversary No. 08-04004

Defendant.

PAGE -- 1

Rule 55(b)(2) of the Federal Rules of Civil Procedure and Bankruptcy Rule 7055, and in support of said Motion would show the Court as follows:

1. Plaintiffs filed their Complaint initiating this adversary proceeding on January 4, 2008 (Docket No. 1).

2. Defendant GARY JOSEPH DERER (“DERER”) was personally served with a summons and copy of the complaint, and has failed to plead or otherwise appear in this adversary proceeding (Docket No. 8). On July 18, 2008, the Court signed an entry of default (Docket No. 9).

3. Defendant is not an infant or an incompetent person.

4. Plaintiff COTTON’s claims against Defendant are for sums that are liquidated (the “Cotton Claims”). Plaintiff MONTGOMERY’s claims consist of an objection to the discharge of DERER (the “Montgomery Claims”). The Cotton Claims are supported by the affidavit of Plaintiff COTTON (the “Cotton Affidavit”), said Cotton Affidavit is attached hereto as “Exhibit A,” and is incorporated by reference as if fully set forth herein. The Cotton Affidavit provides evidence of the amount of COTTON’s claims against DERER as well as the facts supporting the non-dischargeability of COTTON’s claims against DERER. The Montgomery Claims are supported by the affidavit of Plaintiff MONTGOMERY (the “Montgomery Affidavit”), said Montgomery Affidavit is attached hereto as “Exhibit B,” and is incorporated by reference as if fully set forth herein. The Montgomery Affidavit provides evidence of the basis for denying DERER a discharge under Title 11 USC § 727 of the United States Bankruptcy Code.

5. Plaintiff COTTON alleges that the Cotton Claim constitutes a “sum certain” that may be awarded without the aid of an evidentiary hearing. However, in the alternative, Plaintiff

COTTON requests that the Court receive evidence of Plaintiff COTTON's damages at an evidentiary hearing. Plaintiff MONTGOMERY alleges that the acts of DERER that provide the basis for denying DERER a discharge are evident through the Montgomery Affidavit, and that the DERER's discharge may be denied without the aid of an evidentiary hearing. However, in the alternative, Plaintiff MONTGOMERY requests that the Court receive evidence of the Montgomery Claims at an evidentiary hearing.

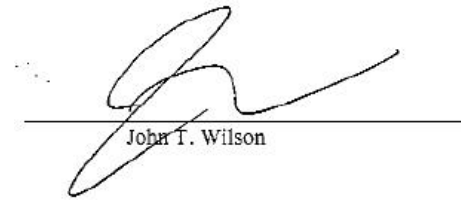
6. Defendant DERER has not appeared in this action, and accordingly, Plaintiffs are not required to serve Defendant with written notice of any evidentiary hearing on damages.

7. Plaintiffs hereby seek an entry of judgment against DERER for the Cotton Claims; the denial of DERER's bankruptcy discharge relating to Montgomery's Claims; exemplary damages; post judgment interest; and costs of court. A proposed judgment is attached hereto as "Exhibit C."

WHEREFORE, PREMISES CONSIDERED, Plaintiffs respectfully pray that the Court enter a default judgment against Defendant GARY JOSEPH DERER, for the entire amount of Cotton's Claims; a denial of the discharge of GARY JOSEPH DERER; Attorneys' Fees; and costs of court.

Dated: July 28, 2008.

Respectfully submitted,
MYERS WILSON P.C.



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